

JOE WARDY
MAYOR



CITY COUNCIL

SUSAN AUSTIN
DISTRICT NO. 1

ROBERT A. CUSHING, JR.
DISTRICT NO. 2

JOSE ALEXANDRO LOZANO
DISTRICT NO. 3

JOHN F. COOK
DISTRICT NO. 4

DANIEL S. POWER
DISTRICT NO. 5

PAUL J. ESCOBAR
DISTRICT NO. 6

VIVIAN ROJAS
DISTRICT NO. 7

ANTHONY W. COBOS
DISTRICT NO. 8

**REGULAR COUNCIL MEETING
COUNCIL CHAMBERS
FRIDAY, JANUARY 2, 2004
9:00 A.M.**

The City Council met in regular session at the above place and date. Mayor Joe Wardy present and presiding and the following Council Members answered roll call: Susan Austin, Robert A. Cushing, Jr., Jose Alexandro Lozano, John F. Cook, Daniel S. Power, Vivian Rojas, and Anthony W. Cobos. Absent: None. Late Arrival: Paul J. Escobar. Meeting was called to order at 9:10 a.m. and the invocation was given by Chaplain Sam L. Faraone, followed by the Pledge of Allegiance to the Flag of the United States of America.

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No action was taken on the discussion and action on presentation regarding the City of El Paso's participation in the safe management of waste through the collection of recyclable printer cartridges (faxes, inkjet printers, etc), thus, enhancing the City's current participation at all its current collection sites which promotes recycling, protecting the City's natural resources and is consistent with sustainable economic development. [Gerald Smolla]

Mr. Gerald Smolla, citizen, presented packets of information (on file in the City Clerk's office) to the Council Members regarding recycling printer cartridges, (faxes, inkjet printers, etc.), as noted on the agenda. He proposed setting up collection sites throughout the City to allow the disposal of the printer cartridges, etc., and donating the money to charities. He answered questions from and responded to comments made by the Council Members and added that individuals involved must be certified or supported by State and federal agencies as he must present official documentation.

Mayor Joe Wardy directed the City Attorney's Office to investigate donating the money to the City Employees' Charity Organization and to have that money distributed to those organizations. He requested that Mr. Byron Johnson, Director of Purchasing, provide a copy of the proposal guidelines to Mr. Smolla. He requested that a meeting between Messrs. Smolla and Johnson and Ms. Acosta and Ms. Elizondo be scheduled to address Mr. Smolla's concerns.

Representatives Cushing, Austin, and Lozano asked questions of Mr. Smolla and City staff.

Ms. Emma Acosta, Director of Solid Waste Management, answered questions from and responded to comments made by Council Members.

Mr. Byron Johnson, Director of Purchasing, answered questions from and responded to comments made by Council Members.

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Item: Discussion and action on proposal to fly the Texas flag on all the City (El Paso) flagpoles.
[Bobby Hatfield]

Motion made by Representative Cushing, seconded by Representative Cobos and carried that all Council Members offer \$500.00 from their discretionary funds to purchase Texas flags for facilities in their respective districts.

AYES: Representatives Austin, Cushing, Lozano, Escobar, Rojas and Cobos
NAYS: Representatives Cook and Power

Mr. Bobby Hatfield, Social Studies teacher in the local public school system, requested that the Mayor and Council Members require that the Texas flag be flown from all City of El Paso flagpoles.

Mayor Joe Wardy requested that Mr. Jim Martinez, Chief Administrative Officer, inventory the City flag sites and added that this was a great idea.

Representative Cobos stated he would contribute money from his discretionary fund.

Mr. Jim Martinez, Chief Administrative Officer, noted that the Police Department facilities currently fly both the U. S. and Texas flags and that an inventory of the City's flagpoles would be conducted to assist in determining the cost of the flags. He stated that he would quantify the cost of the flags and segregate that by the Representatives' districts.

Representative Cushing stated he would contribute money from his discretionary fund to purchase State of Texas flags to be flown at facilities located in his district. He moved that each Representative use the money from their discretionary fund to pay for the flags that are not properly placed in their own districts. Representative Cobos seconded.

Representative Escobar requested that tattered flags be replaced and that the Purchasing Department investigate the possibility of purchasing the flags in bulk.

Representative Rojas commented on patriotism and added that she would contribute District 7 discretionary funds to purchase Texas flags.

Representative Cook requested a specific dollar amount be included in the Motion.

Representative Cushing amended his motion “to be in the amount of \$500.00 maximum”.

Representative Power suggested that various City departments purchase the flags and that those Council Members who wish to utilize their discretionary funds should do so.

Representative Austin commented on compelling Council Members' to utilize their discretionary funds.

AYES: Representatives Austin, Cushing, Lozano, Escobar, Rojas, and Cobos
NAYS: Representatives Cook and Power
The Motion passed 6-2.

Representative Cook questioned whether he would be obligated to utilize his discretionary funds.

Ms. Lisa A. Elizondo, City Attorney, responded that she would investigate and provide Representative Cook an answer.

Representative Cook requested that the word “discretionary” be removed from the Motion.

Motion made by Representative Cobos, seconded by Representative Cushing, and unanimously carried to approve, as revised, all matters listed under the Consent Agenda unless otherwise noted.
(Items approved, postponed, or deleted pursuant to the vote on the Consent Agenda will be shown with an asterisk {*}).

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*Motion made, seconded and unanimously carried to approve the Minutes for the Regular City Council Meeting of December 22, 2003.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign the Lessor's Approval of Sublease between City of El Paso ("Lessor"), Superior Aviation Fuel Enterprises, ("Sublessor"), and Aviation Training Professionals, ("Sublessee") for office space located in the premises currently leased to the Sublessor municipally known and numbered as 6775 Convair Rd., El Paso, Texas.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to sign a Facilities Use Agreement on behalf of the EL PASO CITY-COUNTY HEALTH AND ENVIRONMENTAL DISTRICT, with TENET HOSPITALS, LTD. D/B/A SIERRA MEDICAL CENTER to continue an Outreach Program called Sierra Teen Health Resource Center at the Ysleta Health Center located at 110 Candelaria Rd., El Paso, Texas, for a two year term beginning April 12, 2003 and ending April 11, 2005, for the rate of NINE HUNDRED AND NO/XX DOLLARS (\$900.00) per month.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a First Amendment to an Interlocal Agreement by and between the City of El Paso ("City"), as Metropolitan Planning Organization for the El Paso Urban Transportation Study Area, and the University of Texas at El Paso ("UTEP"), wherein UTEP will provide staff support to the Metropolitan Planning Organization, subject to Civil Service Commission approval. The total contract cost is not to exceed \$111,945.00.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to execute the following **INDEPENDENT CONTRACTOR** contracts on behalf of the **PARKS AND RECREATION DEPARTMENT**. Funding for these contracts is in fiscal year **2003/2004** appropriations to be approved by the City Council.

SPORTS PROGRAMMING

DEPARTMENT ID: 51010215, ACCOUNT 502115

- | | | |
|----|--------------|--|
| 1. | CONTRACTOR: | George Heredia, Softball Program Umpire Assigner |
| | DATES: | January 4, 2004 thru August 31, 2004 |
| | RATE PER GM: | \$1.00 |
| | MAXIMUM AMT: | \$1,000.00 |
| | CONTRACT: | 2003/2004-086 |

SUN COUNTRY – YOUTH OUTREACH

DEPARTMENT ID: 51150056, ACCOUNT: 502215

2. CONTRACTOR: Norma Ponce Gomez, Fine Arts Instructor
DATES: January 7, 2004 thru May 31, 2004
RATE PER CL: \$20.00
MAXIMUM AMT: \$1,000.00
CONTRACT: **2003/2004-087**

NOTE: Resolution was revised.

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*Motion made, seconded and unanimously carried to delete the Resolution that the Mayor be authorized to execute the following INDEPENDENT CONTRACTOR contract on behalf of the PARKS AND RECREATION DEPARTMENT. Funding for this contract is in fiscal year 2003/2004 appropriations to be approved by the City Council.

SPORTS PROGRAMMING

DEPARTMENT ID: 51010215, ACCOUNT 502115

1. CONTRACTOR: George Heredia, Forfeit Fees
DATES: January 4, 2004 thru August 31, 2004
RATE PER GM: \$16.00
MAXIMUM AMT: \$2,000.00
CONTRACT: **2003/2004-085**

NOTE: Resolution was revised.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to execute the following **INDEPENDENT CONTRACTOR** contracts on behalf of the **PARKS AND RECREATION DEPARTMENT**. Funding for these contracts is in fiscal year **2003/2004** appropriations to be approved by the City Council.

ARMIJO RECREATION CENTER

DEPARTMENT ID: 51510065, ACCOUNT 502114

1. CONTRACTOR: Alejandra Veronica Valadez, Dance and Exercise Instructor
DATES: January 5, 2004 thru February 28, 2004
RATE PER CL: \$9.00
MAXIMUM AMT: \$1,080.00
CONTRACT: **2003/2004-088**

ACOSTA SPORTS CENTER

DEPARTMENT ID: 51010215, ACCOUNT 502215

2. CONTRACTOR: Fernando Gonzalez, Scorekeeper Youth Sports
DATES: January 7, 2004 thru August 31, 2004
RATE PER GM: \$10.00
MAXIMUM AMT: \$2,300.00
CONTRACT: **2003/2004-089**
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***RESOLUTION**

WHEREAS, the El Paso County Sheriff's Department is submitting an application for a Justice Center Grant for the establishment of a family violence center for all of El Paso County; and

WHEREAS, the support and cooperation of the City will be an important aspect of this project.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO TEXAS, that:

That the Mayor be authorized to sign a letter in support of the Sheriff's Department's Justice Center grant application and provide certification of the City's compliance with state and federal laws pertaining to domestic violence offenders and victims.

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Motion made, seconded and unanimously carried to move to the Regular Agenda the following:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to sign a Business Associate Amendment applicable to the potential exchange of confidential medical information of individuals pursuant to the Contract for Sexual Assaults – Solicitation 2002-092R by and between the CITY OF EL PASO and Tenet Hospitals Limited dba Sierra Medical Hospital, to include the Health Insurance Portability and Accountability Act (HIPAA) "Business Associate" language. Said BAA to have an effective date of April 14, 2003.

Representatives Cushing and Austin questioned City staff member Mr. Byron Johnson, Director of Purchasing.

Mr. Johnson responded to Council Members questions.

Motion made by Representative Cushing, seconded by Representative Austin to approve the above Resolution.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a release of lien on the following property (legal description on file in the City Clerk's Office) for consideration paid to the City in full satisfaction of amount owed pursuant to this sanitation lien for:

	<u>Lien Amount</u>
4800 Vulcan Avenue/4800 Block Apollo	\$144.44

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***RESOLUTION**

WHEREAS, in accordance with Section 9.04.380, entitled Abatement, of Chapter 9.04, Solid Waste Management, of the El Paso City Code, after providing due notices to the owner, MARTHA & RAYMOND E. LUCERO, of the hereinafter described property that the owners' property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code, and the owners, having failed to comply with due notices, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Department of Solid Waste Management has reported the cost of doing such work in the amount hereinafter set forth;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

3962 Doniphan, City of El Paso, El Paso County, Texas, being more particularly described as TR 1-A (7153.00 SQ FT), George L Wilson Sur 91 Abst 2716 Subdivision; Parcel #X091-999-000A-0100,

to be THREE HUNDRED THIRTEEN AND 93/100 DOLLARS (\$313.93) as reported by the Director of the Department of Solid Waste Management. The City Council finds that the work was performed on the Twenty-eighth day of January, 2003, approves the costs.

2. The City Council, in accordance with Section 9.04.380 of the El Paso City Code, declares the above total amount THREE HUNDRED THIRTEEN AND 93/100 DOLLARS (\$313.93) to be a lien on the above described property, said amount being due and payable within thirty (30) days from date of Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of this Lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's office relating to the proceeding against the above-described property are made a part of this Resolution by reference.

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***RESOLUTION**

WHEREAS, in accordance with Section 9.04.380, entitled Abatement, of Chapter 9.04, Solid Waste Management, of the El Paso City Code, after providing due notices to the owner, ANGELINE WARD, of the hereinafter described property that the owner's property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code, and the owner, having failed to comply with due notices, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Department of Solid Waste Management has reported the cost of doing such work in the amount hereinafter set forth;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

2715 Lebanon Ave., City of El Paso, El Paso County, Texas, being more particularly described as Lots 29 & 30 (6000 SQ FT), Block 3, Manhattan Heights Subdivision, Parcel #M056-999-0030-7100,

to be TWO HUNDRED FOURTEEN AND 88/100 DOLLARS (\$214.88) as reported by the Director of the Department of Solid Waste Management. The City Council finds that the work was performed on the Sixth day of June, 2003, approves the costs.

- 2. The City Council, in accordance with Section 9.04.380 of the El Paso City Code, declares the above total amount TWO HUNDRED FOURTEEN AND 88/100 DOLLARS (\$214.88) to be a lien on the above described property, said amount being due and payable within thirty (30) days from date of Council approval, and thereafter bearing ten percent (10%) interest per annum.
- 3. The City Clerk is directed to give notice of this Lien by filing a copy of this Resolution for record with the County Clerk.
- 4. All records of the City Clerk's office relating to the proceeding against the above-described property are made a part of this Resolution by reference.

***RESOLUTION**

WHEREAS, in accordance with Section 9.04.380, entitled Abatement, of Chapter 9.04, Solid Waste Management, of the El Paso City Code, after providing due notices to the owner, PEDRO MUNOZ, of the hereinafter described property that the owner's property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code, and the owner, having failed to comply with due notices, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Department of Solid Waste Management has reported the cost of doing such work in the amount hereinafter set forth;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

- 1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

2121 Portland Ave., City of El Paso, El Paso County, Texas, being more particularly described as Lots 5 & 6 (6000 SQ FT), Block 42, Highland Park Subdivision, Parcel #H453-999-0420-1100,

to be FOUR HUNDRED FIFTY-SEVEN AND 90/100 DOLLARS (\$457.90) as reported by the Director of the Department of Solid Waste Management. The City Council finds that the work was performed on the Twenty-second day of August, 2002, approves the costs.

- 2. The City Council, in accordance with Section 9.04.380 of the El Paso City Code, declares the above total amount FOUR HUNDRED FIFTY-SEVEN AND 90/100 DOLLARS (\$457.90) to be a lien on the above described property, said amount being due and payable within thirty (30) days from date of Council approval, and thereafter bearing ten percent (10%) interest per annum.
- 3. The City Clerk is directed to give notice of this Lien by filing a copy of this Resolution for record with the County Clerk.
- 4. All records of the City Clerk's office relating to the proceeding against the above-described property are made a part of this Resolution by reference.

NOTE: This Resolution will be rescinded on January 20, 2004, due to incorrect agenda wording submitted by Solid Waste Management Department. Agenda reflected "Pedro Luna" as the property owner whereas lien should have been for "Pedro Munoz".

***RESOLUTION**

WHEREAS, in accordance with Section 9.04.380, entitled Abatement, of Chapter 9.04, Solid Waste Management, of the El Paso City Code, after providing due notices to the owner, REYES T. RODRIGUEZ, of the hereinafter described property that the owner's property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code, and the owner, having failed to comply with due notices, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Department of Solid Waste Management has reported the cost of doing such work in the amount hereinafter set forth;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

4124 Snowflake Court, City of El Paso, El Paso County, Texas, being more particularly described as Lot 7 (6000 SQ FT), Block 3, Desert Hills Subdivision, Parcel #D444-999-0030-3100,

to be TWO HUNDRED FORTY-TWO AND 57/100 DOLLARS (\$242.57) as reported by the Director of the Department of Solid Waste Management. The City Council finds that the work was performed on the Sixth day of February, 2003, approves the costs.

2. The City Council, in accordance with Section 9.04.380 of the El Paso City Code, declares the above total amount TWO HUNDRED FORTY-TWO AND 57/100 DOLLARS (\$242.57) to be a lien on the above described property, said amount being due and payable within thirty (30) days from date of Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of this Lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's office relating to the proceeding against the above-described property are made a part of this Resolution by reference.

***RESOLUTION**

WHEREAS, in accordance with Section 9.04.380, entitled Abatement, of Chapter 9.04, Solid Waste Management, of the El Paso City Code, after providing due notices to the owner, RUBEN & ANTONIA HERNANDEZ, of the hereinafter described property that the owners' property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code, and the owners, having failed to comply with due notices, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Department of Solid Waste Management has reported the cost of doing such work in the amount hereinafter set forth;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

226 Baywood Rd., City of El Paso, El Paso County, Texas, being more particularly described as Lot 4 Block 29, Cedar Grove Park Replat Subdivision, Parcel #C301-999-0290-0700,

to be ONE HUNDRED SIXTEEN AND 37/100 DOLLARS (\$116.37) as reported by the Director of the Department of Solid Waste Management. The City Council finds that the work was performed on the Sixth day of November, 2002, approves the costs.

2. The City Council, in accordance with Section 9.04.380 of the El Paso City Code, declares the above total amount ONE HUNDRED SIXTEEN AND 37/100 DOLLARS (\$116.37) to be a lien on the above described property, said amount being due and payable within thirty (30) days from date of Council approval, and thereafter bearing ten percent (10%) interest per annum.
3. The City Clerk is directed to give notice of this Lien by filing a copy of this Resolution for record with the County Clerk.
4. All records of the City Clerk's office relating to the proceeding against the above-described property are made a part of this Resolution by reference.

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***RESOLUTION**

WHEREAS, in accordance with Section 9.04.380, entitled Abatement, of Chapter 9.04, Solid Waste Management, of the El Paso City Code, after providing due notices to the owner, JOHN GOETZ, of the hereinafter described property that the owner's property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code, and the owner, having failed to comply with due notices, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Department of Solid Waste Management has reported the cost of doing such work in the amount hereinafter set forth;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

10200 Block of Dyer St., City of El Paso, El Paso County, Texas, being more particularly described as Lots 16 to 21 (175819.2293 SQ FT), Parkland Subdivision, Parcel #P448-999-0020-1700,

to be THREE HUNDRED NINETY-ONE AND 32/100 DOLLARS (\$391.32) as reported by the Director of the Department of Solid Waste Management. The City Council finds that the work was performed on the Seventh day of November 2002, approves the costs.

2. The City Council, in accordance with Section 9.04.380 of the El Paso City Code, declares the above total amount THREE HUNDRED NINETY-ONE AND 32/100 DOLLARS (\$391.32) to be a lien on the above described property, said amount being due and payable within thirty (30) days from date of Council approval, and thereafter bearing ten percent (10%) interest per annum.
3. The City Clerk is directed to give notice of this Lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's office relating to the proceeding against the above-described property are made a part of this Resolution by reference.

***RESOLUTION**

WHEREAS, in accordance with Section 9.04.380, entitled Abatement, of Chapter 9.04, Solid Waste Management, of the El Paso City Code, after providing due notices to the owner, MAGDALENA C. LOPEZ, of the hereinafter described property that the owner's property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code, and the owner, having failed to comply with due notices, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Department of Solid Waste Management has reported the cost of doing such work in the amount hereinafter set forth;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

5120 Jerry Drive, City of El Paso, El Paso County, Texas, being more particularly described as Lot 11, Block 2, Milagro Hills Subdivision, Parcel #M425-999-0020-8100,

to be ONE HUNDRED THIRTY FIVE AND 31/100 DOLLARS (\$135.31) as reported by the Director of the Department of Solid Waste Management. The City Council finds that the work was performed on the Sixteenth day of June, 2003, approves the costs.

2. The City Council, in accordance with Section 9.04.380 of the El Paso City Code, declares the above total ONE HUNDRED THIRTY FIVE AND 31/100 DOLLARS (\$135.31) to be a lien on the above described property, said amount being due and payable within thirty (30) days from date of Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of this Lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's office relating to the proceeding against the above-described property are made a part of this Resolution by reference.

***NOTICE OF PUBLIC HEARING**

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 3rd day of February, 2004 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 3732 Tularosa Avenue, in El Paso, Texas, which property is more particularly described as:

Lot: 17, Block 1, Government Hill Addition, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on File in Book 11, Page 58, Plat Records of El Paso County, Texas

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Rosa Irene Rocha and Ana Rocha Aragon, Individually and Ana R. Aragon, Independent Administratrix of the Estate of Mariana Rocha, Deceased, are listed as the Owners of the real property described herein.

The Owners of said property are hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owners, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Titles 17 and 18 of the code as mandated by Section 18.52.040 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

At the hearing, the owners, lien holders, mortgagees, or any other person having an interest in the property must present to City Council any evidence showing that the structure or part thereof is safe.

All documents such as building plans, specifications, drawings, reports from design professionals and any other required documents must be presented to City Council at this hearing.

The time periods, which govern the completion of work ordered by Council, are outlined in Subsection 18.52.040 (3) pursuant to State law.

If the Owners fail, neglect or refuse to comply with the order of City Council the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owners, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owners for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owners show that the property is the Owner's lawful homestead and;
- III) the Owners may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owners and all other persons having an interest in the property as provided by law.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5th floor, City Hall, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

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* NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 3rd day of February, 2004 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 2809 Brian Allin Drive, in El Paso, Texas, which property is more particularly described as:

Lot: 2, Block 193, Vista Del Sol Unit Thirty Three, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on file in Book 47, Page 13, Plat Records of El Paso County, Texas

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Gerardo De La Cruz, 12604 Sun Terrace Avenue, El Paso, Texas 79938, is listed as the Owner of the real property described herein.

The Owner of said property is hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owner, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Titles 17 and 18 of the code as mandated by Section 18.52.040 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

At the hearing, the owner, lien holders, mortgagees, or any other person having an interest in the property must present to City Council any evidence showing that the structure or part thereof is safe.

All documents such as building plans, specifications, drawings, reports from design professionals and any other required documents must be presented to City Council at this hearing.

The time periods, which govern the completion of work ordered by Council, are outlined in Subsection 18.52.040 (3) pursuant to State law.

If the Owner fails, neglects or refuses to comply with the order of City Council the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owner, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owner for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owner shows that the property is the Owner's lawful homestead and;
- III) the Owner may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owner and all other persons having an interest in the property as provided by law.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5th floor, City Hall, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

.....
*NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 3rd day of February, 2004 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 10301 Dyer Street, in El Paso, Texas, which property is more particularly described as:

Lots: 31, 32, 33, 34, 35, 36, 37 and 38, Parkland Addition (First Supplemental Map)

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Dr. Luis R. Marioni, 3734 King Palm Drive, El Paso, Texas 79936, is listed as the Owner of the real property described herein.

The Owner of said property is hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owner, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Titles 17 and 18 of the code as mandated by Section 18.52.040 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

At the hearing, the owner, lien holders, mortgagees, or any other person having an interest in the property must present to City Council any evidence showing that the structure or part thereof is safe.

All documents such as building plans, specifications, drawings, reports from design professionals and any other required documents must be presented to City Council at this hearing.

The time periods, which govern the completion of work ordered by Council, are outlined in Subsection 18.52.040 (3) pursuant to State law.

If the Owner fails, neglects or refuses to comply with the order of City Council the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owner, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owner for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owner shows that the property is the Owner's lawful homestead and;
- III) the Owner may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owner and all other persons having an interest in the property as provided by law.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5th floor, City Hall, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

.....
 *Motion made, seconded and unanimously carried to postpone until the City Council Meeting scheduled for Tuesday, January 6, 2004, the request that the street and drainage improvements in the following subdivision be accepted for maintenance by the City. The improvements within the stated limits have been completed in accordance with the approved plans and specifications.

Subdivision: Rubin Heights Unit Two Replat "A"
 Owner/Developer: The Housing Authority Of The City Of El Paso
 Consultant: Quantum Engineering

Street Improvements:

Pete Payan Drive - from the east property line of Rubin Drive to the northeast subdivision boundary line

Jose Cardenas Lane - from the east property line of Rubin Drive to the west property line of Pete Payan Drive

Rubin Drive - from the southeast subdivision boundary line to the north property line of Pete Payan Drive, and from the south property line of Pete Payan Drive to the northwest subdivision boundary line

Drainage Improvements:

Storm Drainage System - Located at Rubin Drive, 1-12 Grate Drop Inlet Type II; 1-8 Grate Drop Inlet Type II; and 177 ft. of 36" R.C.P.

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*Motion made, seconded and unanimously carried to approve the Staffing Table Change for Mayor & Council

Add	1.00	Administrative Assistant	GS23
Delete	1.00	Secretary III	GS19

Motion made, seconded and unanimously carried to move to the Regular Agenda and to Executive Session the appointment of Michael P. Moffeit as Assistant City Attorney effective January 5, 2004.

The matter was not discussed during the City Council meeting; however, was taken into Executive Session.

Motion made by Representative Cobos, seconded by Representative Cushing and carried that MICHAEL P. MOFFEIT be confirmed as Assistant City Attorney, effective January 5, 2004 at a salary of \$91,000 per annum, plus any additional benefits of the position.

AYES: Representative Austin, Cushing, Lozano, Power, Rojas and Cobos
NAYS: Representative Cook
NOT PRESENT: Representative Escobar

*Motion made, seconded and unanimously carried to re-appoint Mitchel Doblado to the Parks and Recreation Advisory Board by Representative Jose Alexandro Lozano, District 3.

*Motion made, seconded and unanimously carried to re-appoint Salvador Quintanilla to the Parks and Recreation Advisory Board by Jose Alexandro Lozano, District 3.

*Motion made, seconded and unanimously carried to appoint Yolanda Cordova to the Parks and Recreation Advisory Board by Mayor Joe Wardy.

*Motion made, seconded and unanimously carried to appoint Tammy Bendele to the Tree Board (as the representative of the West Texas Urban Forest Council) by Mayor Joe Wardy.

*Motion made, seconded and unanimously carried to appoint Georgina Maldonado to the Tree Board as requested by Representative Robert A. Cushing, Jr., District 2.

*Motion made, seconded and unanimously carried to postpone until the City Council Meeting scheduled for Tuesday, January 20, 2004, the appointment of Mitchel Doblado to the El Paso Bond Overview Advisory Committee by Representative Jose Alexandro Lozano, District 3.

*Motion made, seconded and unanimously carried to appoint Eileen Karlsruher to the Tree Board by Representative Jose Alexandro Lozano, District 3.

*Motion made, seconded and unanimously carried to appoint Charlotte Johnson to the Tree Board as requested by Mayor Pro Tempore Anthony W. Cobos, District 8.

*Motion made, seconded and unanimously carried that the following installment agreements for AD VALOREM taxes be approved in the amount shown and that the Mayor be authorized to sign said agreements on behalf of the City:

- A. PID #C050-999-0570-2300, \$1,152.59 per month installments on a balance of \$6,915.54 for 2002 taxes; Sylvia & Miguel Alderete – 900 – 902 Stanton.
- B. PID #C050-999-0870-4300, \$726.89 per month installments on a balance of \$8,722.68 for 1993, 1995, 1996, 1997, 2001 & 2002 taxes; Carlos Rosas 700 Oregon.
- C. PID #E240-999-0010-0600, \$309.29 per month installments on a balance of \$3,711.48 for 1998, 1999, 2000, 2001 & 2002 taxes; Francisco A. & Mary S. Clint – 3421 Rising Sun St.

- *Motion made, seconded and unanimously carried that the following tax refunds be approved:

- Motion made, seconded and unanimously carried to move to the Regular Agenda Bid No. 2004-025 Lease of Unmarked Police Vehicles.

Mr. Johnson explained that the contract was regularly bid by the City to allow the rental of vehicles to be utilized by the El Paso Police Department through the use of grant monies and he added that the grants usually did not allow for the purchase of the vehicles. He explained the bidding process in detail and noted that the Purchasing Department had recommended CAPPS Rent-A-Car, Inc. He answered questions from and responded to comments made by Representatives Cushing, Cook, Cobos, and Mayor Joe Wardy.

Motion made by Representative Cook, seconded by Representative Escobar and unanimously carried to award Bid No. 2004-025 Lease of Unmarked Police Vehicles

Award to: CAPPS Rent-A-Car, Inc.
Dallas, Texas
Item (s): Group I, #2 and #3
Group II, #1, #2 and #4
Group III, #1
Group IV, #1, #2, #3 and #4
Amount: \$346,464.00 (estimated annually)

Department: Police
Funds available: 21150040-21150002-502408
Funding source: Various Grants
Total award: \$694,928.00

The Police and Purchasing Departments recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties.

Group I Item #1 and Group II Item #3 will not be awarded. These items are not needed due to changes in the operations of the Department.

No options offered.

This is a Requirements Type Contract with an initial term of Twenty-Four months.

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*Motion made, seconded and unanimously carried to award Bid No. 2004-037 Guardrails

Award to: Trinity Industries, Inc.
Dallas, Texas
Item (s): #1 thru #7
Amount: \$28,165.00 (estimated annually)

Department: Street
Funds available: 32010200-503203
Funding source: General Funds
Total award: \$56,330.00

The Street and Purchasing Departments recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties.

Vendor offers the City the option to extend the term of the contract at the same unit prices for one (1) additional year if the option is exercised within two (2) years from the date of the award.

This is a Requirements Type Contract with an initial term of Twenty-Four months.

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Motion made, seconded and unanimously carried to move to the Regular Agenda BT2004-212 COMMUNITY AND HUMAN DEVELOPMENT.

Representative Rojas questioned whether or not a process was in place to ensure Purchase Orders were done correctly.

Mr. Robert Salinas, Community and Human Development, explained.

Motion made by Representative Cook, seconded by Representative Escobar and unanimously carried to approve budget transfer BT2004-212 COMMUNITY AND HUMAN DEVELOPMENT

Purchase Orders were done for the wrong amounts. YWCA Child Care (P.O. 2004003396) should have been in the amount of \$51,707 not \$36,707. YWCA Teen Leadership (P.O. 2004003459) should have been in the amount of \$15,000 not \$30,000.

Decrease	\$15,000	from	71150031/G7129SS001208616/505200	CDServPrj
Increase	\$15,000	to	71150031/G7129SS000808612/505200	CDServPrj

*Motion made, seconded and unanimously carried to approve budget transfer BT2004-273 AIRPORT

Transfer of funds to cover acquisition of cable and fault locator unit to replace old unit that is not repairable.

Increase	\$3,400	to	62620020/P50000441022/508008	MajOfficeEq
Increase	\$3,400	to	62620020/P50000441022/407001	IntrfdTrfIn
Increase	\$3,400	to	62620018/P50000241021/407002	Est Rev
Increase	\$3,400	to	62620018/P50000241021/507001	IntrfdTrfOut

*Motion made, seconded and unanimously carried to approve budget transfer BT2004-274 AIRPORT

Transfer of funds to cover cost of replacing fencing damaged by vehicle accidents along Global Reach Boulevard.

Increase	\$2,000	to	62620039/40101/503200	BldgFacMnt
Increase	\$2,000	to	62620039/40101/407001	IntrfdTrfIn
Increase	\$2,000	to	62620018/P50000241021/407002	Est Rev
Increase	\$2,000	to	62620018/P50000241021/507001	IntrfdTrfOut

Motion made by Representative Power, seconded by Representative Escobar and unanimously carried that the following Ordinances, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

- A. An Ordinance amending Title 9 (Health and Safety), Chapter 9.52 (Fire Prevention Code) of the El Paso Municipal Code to add Section 3406.5.4.5, (Commercial, Industrial, Governmental or Manufacturing); to amend Section 3406.6.1.3 (Vehicle Motor Shutdown). The Penalty being as provided in Chapter 1.08 of the El Paso Municipal Code.
- B. An Ordinance granting a Special Privilege to Ascension Lutheran Church permitting the encroachment of one directional sign onto a portion of public right-of-way at Ojo De Agua Drive. (SP-03019, Annual Fee: \$330.00)

PUBLIC HEARING WILL BE HELD ON JANUARY 13, 2004 FOR ITEMS A – B

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

Item: Discussion and action on a request by Hospice of El Paso to allow the Community Development Block Grant (CDBG) collaborative committees to determine if they will make an exception to the rule which limits social service organizations to submit applications to only one collaborative.

Motion made by Representative Rojas, seconded by Representative Austin and unanimously carried to direct staff, the Community Development Steering Committee and the Community Development Legislative Review Committee to review the whole process regarding the selection of agencies for CDBG funding and to consider an appeal process to address agencies' concerns.

Mr. Charles Roark, Hospice of El Paso, requested that social service organizations be allowed to submit proposals under more than one collaborative and added that no appeal process was available to social service organizations. He answered questions from and responded to comments made by the Council Members.

Ms. Nathalie Prise, Provisional Community and Human Development Director, explained the social service application packet funding language requirement for CDBG (Community Development Block Grant) funding that "no project could be submitted under more than one category". She answered questions from and responded to comments made by the Council Members and asked that the Council deny Mr. Roark's request. She explained that the policy had been in effect for many years and requested that if the Council Members desired to make any changes to the procedure that those discussions be held at a later date.

Ms. Ann K. Ogle, YWCA representative, Chairman of the Economic Development Committee, currently serves on the Child's Collaborative and Chaired the Youth Committee for two years, explained the procedure utilized by the collaborative when determining how funding would be distributed to the social service organizations based on the proposals and answered questions from and responded to comments made by the Council Members.

Mayor Joe Wardy clarified that the members of the collaborative were the same members who submit their applications and determine how the funds were to be distributed.

Representative Cook explained the inception of the collaborative process and added that the final decision regarding the funding of the social service organization was for the Council Members.

Representative Austin suggested that the guidelines be discussed over the summer months and to initiative the new guidelines for the next year's funding distribution.

Representative Power commented that the system was flawed and requested that a committee be created consisting of individuals not submitting proposals to the collaborative.

Representative Escobar stated that making exceptions for one organization would not be a wise decision at this point and suggested that a Legislative Review Committee meeting be held to discuss revising the guidelines. He added that there had been instances where organizations had been funded; however, the funding had been revoked to the organization's lack of performance.

Representative Cushing asked questions of Ms. Prise regarding the number of proposals submitted by Hospice of El Paso for CDBG funding this year and the number of years Hospice of El Paso had been given CDBG funding.

Ms. Prise explained that HUD had nationally recognized the Collaborative as "a best practice" and added that Hospice of El Paso had received CDBG funding under the general "Medical and Mental Health Collaborative" in the past.

Representative Rojas asked questions of Ms. Prise regarding the collaborative process, collaborative chairs/spokespersons, the voting process of the collaborative, proposal presentations by the organizations and new organizations wishing to participate in the collaborative.

Mr. Roark stated that it was his belief that there were fundamental problems with the process; specifically, collaborative members had no opportunity to add input during the summer months and requested that members of the collaborative and steering committee chairpersons be given the opportunity to discuss the process and other issues during that time. He reiterated the need for an appeal process for the individual organizations.

Representative Austin moved to direct staff and the Steering Committee to review the rules with a more formal process of including wide input, not just input from the committee chairs, during the summer of 2004.

Representative Rojas moved to direct the CDBG Legislative Review Committee have a meeting with CDBG staff and the collaboratives to discuss the procedures, appeal procedures and determine if the process should be changed before the summer. Representative Austin seconded.

Mayor Wardy strongly recommended that organizations with proposals before the collaborative not be allowed to vote on the proposals.

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RESOLUTION

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL PASO SUPPORTING THE
FOURTH ANNUAL DR. MARTIN LUTHER KING, JR. FOOD DRIVE**

WHEREAS, the Corporation for National Service and the King Center for Non-Violent Social Change encourage organizations and individuals to commemorate and celebrate the Dr. Martin Luther King, Jr. Holiday by organizing and participating in community-based humanitarian efforts; and

WHEREAS, during the First Annual Dr. Martin Luther King Food Drive held in January, 2001, City Employees, volunteers and community and corporate groups such as the Salvation Army; U.T.E.P.; the Catholic Diocese of El Paso; The Church of Jesus Christ of Latter Day Saints; Jewish Family and Children's Services; El Paso Black Chamber of Commerce; Ft. Bliss; El Paso Ministerial Alliance; Time Warner Communications; Price's Creameries; Furr's Supermarkets; Centro Del Salud Familiar La Fe and Oseye Cultural Arts Center; among others, collected non-perishable food donations at over 60 locations city-wide; and

WHEREAS, during this First Annual Dr. Martin Luther King Food Drive, the El Paso Community's response to this humanitarian effort was tremendous, resulting in collection and distribution of over 32,000 pounds of food used to stock the food pantries of such local organizations as the Salvation Army, El Paso Rescue Mission and the Opportunity Center of the El Paso Coalition for the Homeless;

WHEREAS, this year, from January 5th through January 19, 2004, City and County employees, along with other volunteers and community and corporation groups such as the Salvation Army; U.T.E.P.; the Catholic Diocese of El Paso; the Church of Jesus Christ of Latter Day Saints; Time Warner Communications; Big 8 Stores; Albertson's; Blue Sage Stores; Lowes Super Save; Quality Foods; and The Food Basket, will again participate in this worthwhile cause and help collect and distribute food donations to stock the food pantries of those local organizations identified above to help those less fortunate and in need;

WHEREAS, City employees, community and corporate citizens desire to conduct this Fourth Annual Dr. Martin Luther King, Jr., Food Drive in January of 2004, to provide support to citizens in need.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the City Council of the City of El Paso recognizes the public purpose in facilitating charitable efforts to feed it's less fortunate citizens and thereby fostering and encouraging the spirit of humanitarianism and community involvement generated by Dr. Martin Luther King, Jr., Food Drive;

THAT the City Council fully supports the goals of the Fourth Annual Dr. Martin Luther King, Jr., Food Drive;

THAT the City Council authorizes the use and in-kind contribution of City property and personnel time in order to collect non-perishable food donations, in an amount not to exceed Three Thousand Dollars (\$3,000.00).

Representative Cushing questioned City staff member, Mr. John Nance, Assistant City Attorney, regarding the need for a contract and requested that one be included.

Mr. John Nance, Assistant City Attorney, responded to the questions.

Motion made by Representative Cook, seconded by Representative Austin and unanimously carried to approve the above Resolution.

Representative Austin was not present for the vote.

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*Motion made, seconded and unanimously carried to postpone until the City Council Meeting scheduled for Tuesday, January 27, 2004, the Resolution that the El Paso City Council hereby renames a portion of Railroad Drive to Sam Borsberry Drive, beginning at its intersection with Fred Wilson Drive and ending at its intersection with McCombs Street, and authorizes the Mayor to take any and all action necessary to effectuate such renaming. The entire length of Railroad Drive hereby renamed is located within the City of El Paso, El Paso County, Texas.

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Motion made by Representative Cook, seconded by Representative Escobar and unanimously carried to reject the bids submitted for Bid No. 2003-226, Street Sweepers, High Dump, 4-Yard Capacity, for the Street Department. Purchasing, Fleet Services and the Street Department recommend the rejection of all bids and re-bidding with revised specifications.

Department: Street Department

Representative Austin was not present for the vote.

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Motion made by Representative Cook, seconded by Representative Cobos and unanimously carried to postpone until the City Council Meeting scheduled for Tuesday, January 6, 2004, the request for rejection of Bid No. 2004-024 – Rental of Portable Restrooms – as recommended by Purchasing and the Parks and Recreation Department.

This requirement will be reviewed by the user department, a new solicitation will be issued at a later time.

Representative Cook questioned Mr. Byron Johnson, Director of Purchasing, regarding the definition of "accessible restroom" and requested copies of the bid tabulation.

Representative Cobos questioned whether restrooms were currently available for the public.

Mr. Johnson addressed both Representatives questions and added comments.

Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to postpone until the City Council Meeting scheduled for Tuesday, January 13, 2004, an Ordinance changing the zoning of Portions of Tracts 13 & 14, Lakeside Village, El Paso, El Paso County, Texas (7046½ Alameda Avenue) from C-1 (Commercial) to C-3 (Commercial) and imposing certain conditions. The penalty is as provided in Section 20.68.010 of the El Paso Municipal Code. ZON03-00056. Applicant: Reuben Eli Ramos/Representative: Adrian Hernandez, P. O. Box 11237, El Paso, TX 79995.

Representative Escobar was not present for the vote.

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*Motion made, seconded and unanimously carried to postpone until the City Council Meeting scheduled for Tuesday, January 13, 2004, an Ordinance granting Special Permit No. ZON03-00039, to allow for a ground-mounted radio broadcasting antenna support structure with antennas and equipment storage facilities on a portion of Tracts 53 and 54, Valley Gate Subdivision, El Paso, El Paso County, Texas (275 Springfield Street) pursuant to Section 20.14.040 (Zoning) of the El Paso Municipal Code. The penalty is as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: McClatchey Broadcasting / Representative: Arnold McClatchey, 6900 Commerce, El Paso, TX 79915.

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*Motion made, seconded and unanimously carried to postpone until the City Council Meeting scheduled for Tuesday, January 13, 2004, the Resolution approving Detailed Site Development Plan No. ZON03-00049, for Lot 10, Block 4, Hueco View Acres, El Paso, El Paso County, Texas (George Dieter Drive South of Turner Road), pursuant to a Special Contract imposed by Ordinance No. 009126. The penalty is as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Texas Conference Association 7th Day Adventist / Representative: Brock & Bustillos, Inc.; 417 Executive Center Boulevard, El Paso, TX 79912.

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ORDINANCE 15645

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF TRACTS 4C2A AND 4C2B, BLOCK 2, ASCARATE GRANT, EL PASO, EL PASO COUNTY, TEXAS (1401 AND 1411 AIRWAY BOULEVARD) FROM M-1 (LIGHT MANUFACTURING) TO C-4 (COMMERCIAL). THE PENALTY IS AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

Mr. George Sarmiento, Director of Planning, Research and Development, explained the zoning change request and noted that the DCC (Development Coordinating Committee) and CPC (City Plan Commission) had recommended unanimous approval. He answered questions from and responded to comments made by Representative Cobos.

Mayor Joe Wardy questioned the previous M-1 zoning.

Mr. Rudy Valdez, Chief Urban Planner, provided explanation.

Representatives Lozano, Escobar, Cobos, Austin asked questions and/or made comments.

Mr. Conrad Conde, representing The Mesa Group I Ltd., explained the need for the zoning change and provided comments and answered questions from Representatives Cobos and Cook.

The Deputy City Clerk called for further public comment. There was no further public comment.

Motion duly made by Representative Lozano, seconded by Representative Cushing that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Power, Escobar, Rojas and Cobos
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

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*Motion made, seconded and unanimously carried to postpone until the City Council Meeting scheduled for Tuesday, January 6, 2004, an Ordinance changing the zoning of a portion of Tract 1X, Block 1, Ascarate Grant, El Paso, El Paso County, Texas from R-F (Ranch and Farm) to C-1 (Commercial) and imposing certain conditions. The penalty is as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Lee Treviño LLC / Representative: Robert Seipel Associates; 1845 Northwestern Drive, Suite B, El Paso, TX 79912. ZON03-00068.

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ORDINANCE 15646

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 5 (BUSINESS TAXES, LICENSES AND REGULATIONS), CHAPTER 5.24 (CHARITABLE SOLICITATIONS), TO REVISE THE DUTIES OF THE CHARITABLE SOLICITATIONS COMMISSION, AND TO REVISE PROCEDURES FOR APPLICATION FOR CHARITABLE SOLICITATION PERMITS, FOR FINANCIAL INFORMATION AND REPORTS TO BE SUBMITTED BY APPLICANTS AND PERMITEES, FOR DENIAL OF PERMITS, AND FOR APPEAL OF DENIAL OF SUCH PERMITS.**

Mr. Said Larbi-Cherif, Building Permits and Inspections, explained that the Charitable Solicitations Committee would hear appeal applications; however, routine applications would be approved through the Building Permits and Inspections Department. He answered questions from and responded to comments made by the Representatives.

Representative Cook thanked the Building Permits and Inspections Department for their efforts in streamlining the application process.

Representative Cushing requested a listing of the Charitable Solicitation Commission member's attendance records.

The Deputy City Clerk called for further public comment. There was no further public comment.

Motion duly made by Representative Cook, seconded by Representative Power that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Power, Rojas and Cobos
NAYS: None Absent: None
NOT PRESENT: Council Member Escobar

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

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RESOLUTION

WHEREAS, the Director for Building Permits and Inspections and the Fire Marshal of the City of El Paso have conducted an investigation and have reported to the City Council in writing that they are of the opinion that the structure located on the property at 807 E. Fourth Ave., in El Paso, Texas, which property is more particularly described as follows:

Lot: The East 45.70 feet of Lot 20, beginning 38.25 feet East of the Southwest corner of and in Block 111, Campbell's Addition, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on File in Book 2, Page 68, Plat Records of El Paso County, Texas

is dilapidated, substandard, and unfit for human habitation; is a hazard to public health, safety, and welfare; does not meet the minimum standards for continued use and occupancy contained in Titles 17 and 18 of the Municipal Code which are adopted and incorporated by reference into Section 18.52; and

WHEREAS, Jose Luis Cadena and Alma Delia Hernandez, 1107 Delta Drive #B, El Paso, Texas 79901, and Jesus Rivera, 1200 N. Cobia Street, El Paso, Texas 79903, record Owners, and all mortgagees and lienholders were duly notified according to law to appear at a public hearing before City Council at 9:00 a.m. on October 14th, 2003; which was postponed until October 28th, 2003 and

WHEREAS, Manuel Garcia, APPEARED,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That City Council having heard the evidence, makes the following findings:
 - a. That the structure located on said property is unsafe, substandard, unfit for human habitation or use, and therefore a hazard to the public health, safety, and welfare; and
 - b. That the structure is not in substantial compliance with municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
 - c. That the Owner has obtained an Engineer's report and recommendations and other documentation as required by the City in it's letter of October 19th, 2003.
2. That the City Council hereby orders Owners to comply with the following requirements:
 - a. That the Owner be allowed 90 days to repair the property according to the approved drawings, Engineer's recommendation and applicable codes; and
 - b. That if not substantially repaired within the 90 days allowed by the State Law, the building be demolished; and
 - c. That a compliance hearing be scheduled for April 6th, 2004, to determine if Council order has been complied with and if not, to proceed with demolition; and
 - d. That the Owner of said Building is hereby ordered to comply with all the requirements of the Resolution; and
 - e. That upon failure of the Owner to comply with this Resolution, any mortgages, lienholders, and other persons having an interest in the property have an additional ten (10) days to demolish the Building and clean the premises of all weeds, trash, and debris and
3. That upon failure of the Owner to comply with this Order, the City of El Paso through its Director for Building Permits and Inspections shall secure the Building and maintain the Building secure and clean the premises of all weeds, trash, and debris at its own expense, but for and on account of the Owner of said property; and
4. That said Owner shall become personally liable for all costs incurred by City in connection with securing and maintaining the Building secure and cleaning the premises of all weeds, trash and debris; and

5. That the costs incurred by the City in connection with securing and maintaining the Building secure and cleaning the premises of all weeds, trash, and debris shall become due and payable within thirty (30) days of the date of completion of the work and such cost shall be assessed as a lien against the property unless paid; and
6. That upon failure of the Owner to comply with this Order, one or all of the following actions will be taken:
 - a. The City will perform any and all work needed to bring the property into compliance with this order, at its own expense but for and on account of the Owner of said property, the cost of which shall be assessed as a lien against the property; and
 - b. That upon failure of the Owner to comply with this order the City Council may assess a civil penalty against the property Owner in an amount not to exceed \$1,000.00 a day for each violation or, if the Owner show that the property is the Owner's lawful homestead, in an amount not to exceed ten (10) dollars a day for each violation; and
 - c. That upon failure of the Owner to comply with this order, the Owner may be confined in jail as permitted by state law; and
7. That upon failure of the Owner, any mortgagees or lienholders to restore the Building so that it complies with all relevant City Code requirements, the City of El Paso, if applicable, may bring an action in District Court to request appointment of a receiver for the rehabilitation of said property pursuant to Section 214.003 of the Texas Local Government Code; and
8. The Owner, any mortgagees, or lienholders have a right to appeal these findings to a court of competent jurisdiction within ten (10) days after notice of this Resolution. The findings shall become final after ten (10) days of receipt of Notice; and
9. That any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of assessment until paid in full; and
10. That the City Clerk is ordered to cause copies of this Resolution to be served on the record Owner and all other persons having interest in the property as provided by law.

According to the real property records of El Paso County, you own the property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Mr. Thomas Maguire, Building Permits and Inspections, presented the case to Council Members and gave the Department's recommendations.

Mr. Hector Garcia, current property owner, requested an additional 90 days to allow him to make the necessary repairs and commented on the delinquent taxes. He answered questions from and responded to comments made by Representative Cook.

Ms. Carmen Perez, attorney with Delgado, Acosta, Spencer, Linebarger, Heard & Perez LLP, commented on the delinquent taxes.

Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to accept the Department's recommendations.

Representative Escobar was not present for the vote.

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ADDITION TO THE AGENDA

Motion made, seconded and unanimously carried to move o the regular agenda the appointment of Ben Arriola to the City/County Board of Health by Mayor Joe Wardy.

Motion made by Representative Lozano, seconded by Representative Cushing and unanimously carried to appoint Ben Arriola to the City/County Board of Health by Mayor Joe Wardy.

Representative Escobar was not present for the vote.

NOTE: Appointment was revised from "Representative Jose Alexandro Lozano, District 3," to "Mayor Joe Wardy".

Representative Cook questioned the number of City-County Board of Health members representing the food industry.

Dr. Jorge C. Magana, El Paso City-County Health and Environmental District, stated that he would request the Chairman of the Board to investigate the number of board members from the food industry and that those board members recuse themselves when issues referencing the food service industry were discussed.

Mayor Joe Wardy responded that Mr. Arriola was the President of the Texas Restaurant Association and it was fitting that he be seated on the El Paso City-County Board of Health.

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*Motion made, seconded and unanimously carried to appoint Walt Phillips to the Parks & Recreation Advisory Board by Representative John F. Cook, District 4.

.....
*Motion made, seconded and unanimously carried to delete the discussion and information regarding City Council Representative recall petition.

.....
SECOND ADDITION TO THE AGENDA

*Motion made, seconded and unanimously carried to re-appoint Richard Vorba to the City Plan Commission by Representative John F. Cook, District 4.

.....
Motion made by Representative Cobos, seconded by Representative Power and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 12:25 p.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss any of the following:

Section 551.071	CONSULTATION WITH ATTORNEY
Section 551.072	DELIBERATION REGARDING REAL PROPERTY
Section 551.073	DELIBERATION REGARDING PROSPECTIVE GIFTS
Section 551.074	PERSONNEL MATTERS
Section 551.076	DELIBERATION REGARDING SECURITY DEVICES

- A.** Discussion and action on El Paso Entertainment, Inc. (551.071)
B. Appointment of Michael P. Moffeit as Assistant City Attorney effective January 5, 2004. (551.071)

Motion made by Representative Power, seconded by Representative Austin and unanimously carried to adjourn the Executive Session at 12:53 p.m. and reconvene the meeting of the City Council, during which time motions were made as follows:

Representative Escobar was not present for the vote.

Motion made by Representative Cobos, seconded by Representative Cushing and carried that the Mayor be **AUTHORIZED TO SIGN A NON-WAIVER AGREEMENT WITH EL PASO ENTERTAINMENT, INC.**, as recommended by the City Attorney.

Representative Escobar was not present for the vote.

*Motion made, seconded and unanimously carried to delete the following executive session item: City of El Paso v. Patricia S. Burgos, foreclosure proceeding, 02-P-04 (551.071)


Motion made by Representative Cobos, seconded by Representative Cushing and carried that MICHAEL P. MOFFEIT be confirmed as Assistant City Attorney, effective January 5, 2004 at a salary of \$91,000 per annum, plus any additional benefits of the position.

AYES: Representative Austin, Cushing, Lozano, Power, Rojas and Cobos
NAYS: Representative Cook
NOT PRESENT: Representative Escobar

Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to adjourn this meeting at 1:00 p.m.

Representative Escobar was not present for the vote.

APPROVED AS TO CONTENT:


Richarda Duffy Momsen, City Clerk